

**Testimony
Education Committee
Governor's Bill SB 24**

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Feb. 21, 2012

Good afternoon Sen. Stillman, Rep. Fleischmann, and members of the Committee. Thank you for providing this opportunity to speak with you about the Governor's Bill 24.

I am Sharon Palmer, President of AFT Connecticut, a 28,000 member AFL-CIO union which includes teachers, paraprofessionals and other school related personnel.

Let me be perfectly clear about what we want. We want the achievement gap to close and see our students perform at higher levels. We want teacher preparation programs to be more rigorous and to be revised. We want teacher evaluations to include multiple measures of student growth and development. We want bad teachers fired. We also want the evaluation process to help teachers perform at higher levels and for them to receive mentoring and assistance when needed. We want teachers to have fair due process rights. We want respect for collective bargaining. We do not believe any of these conflict with one another.

You may recall that last year our union worked for a bill called *An Act Concerning Teacher Evaluation and Dismissal*. It was maligned by some as just a union ploy or something which should not be taken seriously. We think it was a bill that was a year ahead of its time. The bill includes using multiple indicators of student growth and development for evaluation. It requires teacher professional development improvements and remedial plans where needed. Teachers are subject to termination procedures if not successful in improving. The dismissal process is streamlined and heard by a single arbitrator. We believe these changes are effective but less complicated and prescriptive than SB 24. Please take another look at the bill. (See attached.)

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SB 24 uses four new designations or levels for teacher performance evaluations. None of them are defined, yet they are linked to tenure and certification. Since these new levels are proposed to determine whether a teacher has a job or a license to teach we believe much more needs to be done than just name them. The bill expands teacher temporary/at will employment from 90 days to 1 year - too long. Teachers could be non-tenured/probationary for up to 5 yrs. - one of the longest times in the country. It limits a dismissal hearing to 8 hours and limits the decision to only whether the process was followed - not the merits.

Teacher certification is linked to evaluation and tenure. This means that if you are terminated in one school district your certification to teach anywhere in the State of Ct. is taken away. Your career is over even if it is simply a bad fit in one particular district. This is very heavy-handed to say the least. Furthermore there are sketchy outlines of new certification types which are linked to the undefined evaluation levels. This does not give us much confidence in the proposed system.

We have been told that the committee process will continue and we will collaborate to fill in the blanks. We looked at the ESEA Flexibility/Waiver Request to give us a window into what that might mean since SB 24 is really a proposal for implementation of the waiver. We acknowledge the application is in draft form but here are a few examples of what we found:

- We were given assurances that principals would have highly effective training before implementation of new evaluations. The waiver application states there will be two days of training in the summer. That does not even reach the level of adequate, let alone highly effective. Teachers' jobs and livelihoods will depend on proper training given the proposed linkage of evaluation, tenure and certification.
- We believe school climate is a very important factor in setting the tone in any school or classroom. The waiver application defines climate solely as student and teacher attendance. Are you serious?!
- The application says all students and each subgroup in a school will reduce by half the percentages that are not proficient within 6 years. This is a laudable goal and certainly not as unattainable as the previous NCLB requirement that all schools be at 100% by 2014. However, we do not see the roadmap to accomplish this in SB24.

Let me take a little time to talk about what we think is needed.

Teaching does not happen in a vacuum but rather in a context of support for teachers, collaboration and trust between teachers and administration, time for preparation and teamwork in instruction, facilities that are safe and in good condition, resources to meet the needs of the students, and quality professional development. These are essential elements in any systemic plan to advance student learning.

There are highly successful partnerships in education all over the country where everyone has a seat at the table and good things are happening. We have an excellent example right here in New Haven. We should be using the concepts from those districts for application here in Connecticut.

Our union wants to take responsibility as a partner to improve teaching and learning. We have been rebuffed many times, but we will continue to try. If you want teacher buy-in you must include teachers and their collective bargaining agents as partners. This bill revokes some of the rights of our members while asking us to work harder to improve student success. We believe the system should meet State requirements and standards but provide local flexibility to customize through the collective bargaining process. This allows teachers to have a voice in shaping professional practice and a system for increasing teacher growth and student achievement. While it is not the subject of today's hearing, we believe the same opportunities should be afforded parents and community members.

Thank you for your time.

AAC Teacher Evaluation and Dismissal

AFT Connecticut and Connecticut Education Association

1 "Sec. 1. Section 10-151d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) There is established a Performance Evaluation Advisory Council
4 within the Department of Education. Membership of the council shall
5 consist of: (1) The Commissioners of Education and Higher Education,
6 or their designees, (2) one representative from each of the following
7 associations, designated by the association, the Connecticut
8 Association of Boards of Education, the Connecticut Association of
9 Public School Superintendents, Connecticut Federation of School
10 Administrators, the Connecticut Education Association and the
11 American Federation of Teachers-Connecticut, and (3) persons selected
12 by the Commissioner of Education who shall include, but not be
13 limited to, teachers, persons with expertise in performance evaluation
14 processes and systems, and any other person the commissioner deems
15 appropriate.

16 (b) The council shall meet at least quarterly and shall be responsible for
17 (1) assisting the State Board of Education in the development and
18 implementation of the teacher evaluation guidelines, pursuant to this
19 section and subsection (c) of section 10-151b, as amended by this act,
20 and (2) the data collection and evaluation support system, pursuant to
21 subsection (c) of section 10-10a. [~~The council shall meet at least~~
22 ~~quarterly.~~]

23 (c) On or before July 1, 2012, such guidelines shall be developed for
24 use by local and regional boards of education and regional educational
25 service centers for the development of local teacher performance
26 evaluation plans required pursuant to section 2 of this act and shall be
27 based on the following standards:

28 (1) the development and implementation of ongoing training
29 programs to be offered by the local or regional board of education or
30 regional educational service center for the school district to teachers
31 who are employed by such school district and whose performance is

32 being evaluated and to administrators who are employed by such
33 school district and who are conducting performance evaluations,

34 (2) teacher evaluations to be based on educator knowledge and skill,
35 using multiple indicators of student academic growth and
36 development, and accounting for local conditions based on the state
37 data system established pursuant to subsection c of section 10-10a of
38 the general statutes,

39 (3) the provision of professional development based on an individual
40 or group of individuals' needs that are identified through the
41 evaluation process and based on a professional career continuum
42 recommended by the Council,

43 (4) the creation of individual teacher improvement and remediation
44 plans that identify resources, support, and other strategies to address
45 documented deficiencies for teachers whose performance is
46 determined to be deficient;

47 (5) strategies for such individual teacher improvement and
48 remediation plans to be collaboratively developed by the evaluating
49 administrator, the teacher whose performance is found to be deficient,
50 and other persons deemed appropriate through an agreement by a
51 local or regional board of education or regional educational service
52 center and the exclusive bargaining representative for certified
53 teachers chosen pursuant to section 10-153b of the general statutes;

54 (6) teacher improvement and remediation plans to be developed with
55 consideration given to a teacher's most recent performance
56 evaluations. Such teacher improvement and remediation plans shall
57 include the following:

58 (A) a description of the reasons that a teacher's performance has
59 been found to be deficient, a plan on how to improve such teacher's
60 deficient performance;

61 (B) an articulation of indicators of success, timelines and
62 support for such teacher, and periodic reviews of such teachers;

63 (C) an adequate time period not to exceed the equivalent of one
64 school year from the date a determination of deficiency has been made
65 for such teacher to improve his or her performance; and

66 (D) the provision, by the local or regional board of education or
67 regional educational service center, of resources and supports
68 identified pursuant to subparagraphs (4) and (5) of this subsection to
69 such teacher during the improvement and remediation period, and

70 (7) summative assessments to be conducted at the end of such
71 improvement and remediation plan period for teachers whose
72 performance is determined to be deficient. Such summative
73 assessments shall include determinations by the evaluating
74 administrator on the progress such teacher has achieved toward
75 meeting the standards and goals set forth in the improvement and
76 remediation plan. Such summative assessments may include
77 observations from other persons deemed appropriate through an
78 agreement by a local or regional board of education or regional
79 educational service center and the exclusive bargaining representative
80 for certified employees chosen pursuant to section 10-153b of the
81 general statutes.

82 (8) a procedure for notifying any teacher who has been found to be
83 deficient and who does not successfully complete an improvement and
84 remediation plan that such teacher shall be subject to termination
85 proceedings in accordance section 10-151 of the general statutes, as
86 amended by this act.

87 (d) Prior to the implementation of any teacher performance evaluation
88 plan developed pursuant to this act, a local or regional board of
89 education or regional educational service center, such board of
90 education or service center shall implement teacher performance
91 evaluation training programs in accordance with subparagraph (1) of
92 subsection (c) of this section. Such training shall include information
93 relating to the standards, indicators and protocols that will be used to
94 evaluate teacher performance in the school district, and shall be
95 required for all administrators and teachers prior to participation in an
96 evaluation process.

97 (e) Local teacher performance evaluation plans shall be negotiated by
98 local and regional boards of education and regional educational
99 service centers with the authorized bargaining agent for certified
100 teachers subject to Sections 10-153a to 10-153f, inclusive, of the general
101 statutes.

102

103 Sec. 2. Section 10-151b of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective July 1, 2011*):

105 (a) The superintendent of each local or regional board of education
106 shall evaluate or cause to be evaluated each probationary teacher on an
107 annual basis and continuously evaluate or cause to be evaluated each
108 accredited teacher, in accordance with standards as set forth in Section
109 1(c) of 10-151 and guidelines [established] adopted by the State Board
110 of Education pursuant to subsection (c) of this section, as amended by
111 this act, and such other guidelines as may be established by mutual
112 agreement between the local or regional board of education and the
113 teachers' representative chosen pursuant to section 10-153b[
114 ~~continuously evaluate or cause to be evaluated each teacher~~]. An
115 evaluation pursuant to this subsection shall incorporate standards and
116 guidelines identified in Section 1 of this act and shall include, but need
117 not be limited to, strengths, areas needing improvement, strategies for
118 improvement and multiple indicators of student academic growth and
119 development. Claims of failure to follow the established procedures of
120 such teacher performance evaluation plans [evaluation programs] shall
121 be reported to the Commissioner of Education and shall be subject to
122 the grievance procedure in collective bargaining agreements
123 negotiated subsequent to July 1, 2004. The superintendent shall report
124 the status of teacher evaluations, including the frequency of
125 evaluations and the number of teachers who have not been evaluated
126 in accordance with the local plan to the Commissioner of Education
127 and local or regional board of education on or before June first of each
128 year. For purposes of this section, the term "teacher" shall include each
129 professional employee of a board of education, below the rank of
130 superintendent, who holds a certificate or permit issued by the State
131 Board of Education.

132 (b) Each local and regional board of education shall develop and
133 implement teacher performance evaluation plans [evaluation
134 programs] consistent with standards as set forth in Section 1(c) and
135 guidelines [established] adopted by the State Board of Education, in
136 consultation with the Performance Evaluation Advisory Council,
137 pursuant to subsection (c) of this section as amended by this act, and
138 consistent with the plan developed in accordance with the provisions
139 of subsection (b) of section 10-220a.

140 (c) On or before July 1, 2013, the State Board of Education shall
141 adopt in consultation with the Performance Evaluation Advisory
142 Council established pursuant to section 10-151d, [~~guidelines for a~~
143 ~~model teacher evaluation program.~~] teacher performance evaluation
144 guidelines based on the standards in Section 1(c) developed for use by
145 local and regional boards of education and regional educational
146 service centers developed pursuant to 10-151d, as amended by this act.
147 Such guidelines shall provide guidance on the use of multiple
148 indicators of student academic growth and development in teacher
149 evaluations and [~~Such guidelines~~] shall include, but not be limited to:
150 (1) Methods for assessing student academic growth and development;
151 (2) a consideration of control factors tracked by the state-wide public
152 school information system, pursuant to subsection (c) of section 10-10a,
153 that may influence teacher performance ratings, including, but not
154 limited to, student characteristics, student attendance and student
155 mobility; and (3) minimum requirements for teacher evaluation
156 instruments and procedures.

157 Sec. 3 (NEW) (a) On or before July 1, 2012, the State Board of Education
158 shall develop, in consultation with the Performance Evaluation
159 Advisory Council established pursuant to section 10-151d, a plan for
160 implementing an evaluator assessment for determining competency in
161 conducting teacher evaluations. Such evaluation shall include an
162 independent observer's assessment of whether evaluators' ratings
163 properly align to the standards and guidelines adopted by the Board of
164 Education pursuant to this act.

165 (b) On or before July 1, 2013, the State Board of Education shall
166 require each candidate applying for a new administrator certification,
167 or renewal of an administrator certification, to satisfactorily complete
168 the evaluator assessment established in subsection (a) of this section.

169 Sec. 4 Section 10-151 of the general statutes is repealed and the
170 following is substituted in lieu thereof (*Effective July 1, 2011*):

171 (a) For the purposes of this section:

172 (1) The term "board of education" shall mean a local or regional
173 board of education or the board of trustees of an incorporated or
174 endowed high school or academy approved pursuant to section 10-34,
175 which is located in this state;

176 (2) The term "teacher" shall include each certified professional
177 employee below the rank of superintendent employed by a board of
178 education for at least ninety days in a position requiring a certificate
179 issued by the State Board of Education;

180 (3) The term "continuous employment" means that time during
181 which the teacher is employed without any break in employment as a
182 teacher for the same board of education;

183 (4) The term "full-time employment" means a teacher's
184 employment in a position at a salary rate of fifty per cent or more of
185 the salary rate of such teacher in such position if such position were
186 full-time;

187 (5) The term "part-time employment" means a teacher's
188 employment in a position at a salary rate of less than fifty per cent of
189 the salary rate of such teacher in such position, if such position were
190 full-time;

191 (6) ~~The term "tenure" means:]~~ The "term" days shall mean
192 calendar days.

193 (7) The term "probationary teacher" shall mean a teacher who has
194 not attained accredited teacher status.

195 (8) The term "accredited teacher" shall mean a teacher who has
196 [completion]completed forty school months of fulltime continuous
197 employment for the same board of education provided the
198 superintendent offers the teacher a contract to return for the following
199 school year.

200 (A) For purposes of calculating continuous employment towards
201 ~~[tenure]~~ accredited teacher status, the following shall apply: (i) For a
202 probationary teacher ~~[who has not attained tenure]~~, two school months
203 of part-time continuous employment by such teacher shall equal one
204 school month of full-time continuous employment except, for a teacher
205 employed in a part-time position at a salary rate of less than twenty-
206 five per cent of the salary rate of a teacher in such position, if such
207 position were full-time, three school months of part-time continuous
208 employment shall equal one school month of full-time continuous
209 employment; (ii) a probationary teacher ~~[who has not attained tenure]~~

210 shall not count layoff time towards [~~tenure~~] accredited teacher status
211 except that if such teacher is reemployed by the same board of
212 education within five calendar years of the layoff, such teacher may
213 count the previous continuous employment immediately prior to the
214 layoff towards [~~tenure~~] accredited teacher status teacher [~~who has not~~
215 ~~attained tenure~~] shall not count authorized leave time towards [~~tenure~~]
216 accredited teacher status if such time exceeds ninety student school
217 days in any one school year, provided only the student school days
218 worked that year by such teacher shall count towards [~~tenure~~]
219 accredited teacher status and shall be computed on the basis of
220 eighteen student school days or the greater fraction thereof equaling
221 one school month.

222 (B) For a teacher who has attained [~~tenure~~] accredited teacher
223 status prior to layoff, [~~tenure~~] accredited teacher status shall resume if
224 such teacher is reemployed by the same board of education within five
225 calendar years of the layoff.

226 (C) Except as provided in subparagraphs (B) and (D) of this
227 subdivision, any teacher who has attained [~~tenure~~] accredited teacher
228 status with any one board of education and whose employment with
229 such board ends for any reason and who is reemployed by such board
230 or is subsequently employed by any other board, shall attain [~~tenure~~]
231 accredited teacher status after completion of twenty school months of
232 continuous employment. The provisions of this subparagraph shall not
233 apply if, (i) prior to completion of the twentieth school month
234 following commencement of employment by such board, such teacher
235 has been notified in writing that his or her contract will not be renewed
236 for the following school year or (ii) for a period of five or more
237 calendar years immediately prior to such subsequent employment,
238 such teacher has not been employed by any board of education.

239 (D) Any certified teacher or administrator employed by a local or
240 regional board of education for a school district identified as a priority
241 school district pursuant to section 10-266p may attain [~~tenure~~]
242 accredited teacher status after ten months of employment in such
243 priority school district, if such certified teacher or administrator
244 previously attained [~~tenure~~] accredited teacher status with another
245 local or regional board of education in this state or another state.

246 (9) The term "school month" means any calendar month other
247 than July or August in which a teacher is employed as a teacher at least
248 one-half of the student school days.

249 (b) Any board of education may authorize the superintendent to
250 employ teachers. Any superintendent not authorized to employ
251 teachers shall submit to the board of education nominations for
252 teachers for each of the schools in the town or towns in such
253 superintendent's jurisdiction and, from the persons so nominated,
254 teachers may be employed. Such board shall accept or reject such
255 nominations within thirty-five days from their submission. Any such
256 board of education may request the superintendent to submit multiple
257 nominations of qualified candidates, if more than one candidate is
258 available for nomination, for any supervisory or administrative
259 position, in which case the superintendent shall submit such a list and
260 may place the candidates on such list in the order in which such
261 superintendent recommends such candidates. If such board rejects
262 such nominations, the superintendent shall submit to such board other
263 nominations and such board may employ teachers from the persons so
264 nominated and shall accept or reject such nominations within one
265 month from their submission. Whenever a superintendent offers a
266 probationary teacher [~~who has not attained tenure~~] a contract to return
267 for another year of employment, such offer shall be based on records of
268 evaluations pursuant to subsection (a) of section 10-151b and 10-151d.
269 The contract of employment of a teacher shall be in writing.

270 (c) The contract of employment of a probationary teacher [~~who has not~~
271 ~~attained tenure~~] may be terminated at any time for any of the reasons
272 enumerated in subdivisions (1) to (6), inclusive, of subsection (d) of
273 this section; otherwise the contract of such teacher shall be continued
274 into the next school year unless such teacher receives written notice by
275 April first in one school year that such contract will not be renewed for
276 the following year and has received at least one summative evaluation
277 in each school year in which such teacher has been employed by the
278 district, conducted pursuant to 10-151b. Upon the teacher's written
279 request, a notice of nonrenewal or termination shall be supplemented
280 within seven days after receipt of the request by a statement of the
281 reason or reasons for such nonrenewal or termination. Such teacher,
282 upon written request filed with the board of education within twenty
283 days after the receipt of notice of termination, or nonrenewal shall be
284 entitled to a hearing, except as provided in this subsection, (A) before

285 the board, (B) if indicated in such request and if designated by the
286 board, before an impartial hearing panel established and conducted in
287 accordance with the provisions of subsection (d) of this section, or (C)
288 if the parties mutually agree before a single impartial hearing officer
289 chosen by the teacher and the superintendent in accordance with the
290 provisions of subsection (d) of this section. Such hearing shall
291 commence within fifteen days after receipt of such request unless the
292 parties mutually agree to an extension not to exceed fifteen days. The
293 impartial hearing panel or officer or a subcommittee of the board of
294 education, if the board of education designates a subcommittee of
295 three or more board members to conduct hearings, shall submit
296 written findings and recommendations to the board for final
297 disposition. The teacher shall have the right to appear with counsel of
298 the teacher's choice at the hearing. A probationary teacher [~~who has~~
299 ~~not attained tenure~~] shall not be entitled to a hearing concerning
300 nonrenewal if the reason for such nonrenewal is either elimination of
301 position or loss of position to another teacher. The board of education
302 shall rescind a nonrenewal decision only if the board finds such
303 decision to be arbitrary and capricious. Any such teacher whose
304 contract is terminated for the reasons enumerated in subdivisions (3)
305 and (4) of subsection (d) of this section shall have the right to appeal in
306 accordance with the provisions of subsection (e) of this section.

307 (d) The contract of employment of an accredited teacher [~~who has~~
308 ~~attained tenure~~] shall be continued from school year to school year,
309 except that it may be terminated at any time [~~for one or more of the~~
310 ~~following reasons~~] for just cause which shall include but not be limited
311 to: (1) Inefficiency or incompetence, provided, [if a teacher is notified
312 on or after July 1, 2000, that termination is under consideration due to
313 incompetence,] the determination of incompetence is based on
314 evaluation of the teacher using teacher evaluation guidelines
315 established pursuant to section 10-151b and section 10-151d and fails to
316 successfully complete an improvement and remediation plan pursuant
317 to 10-151d; (2) insubordination against reasonable rules of the board of
318 education; (3) moral misconduct; (4) disability, as shown by competent
319 medical evidence; (5) elimination of the position to which the teacher
320 was appointed or loss of a position to another teacher, if no other
321 position exists to which such teacher may be appointed if qualified,
322 provided such teacher, if qualified, shall be appointed to a position
323 held by a teacher who has not attained [tenure] accredited teacher
324 status, and provided further that determination of the individual

325 contract or contracts of employment to be terminated shall be made in
326 accordance with either (A) a provision for a layoff procedure agreed
327 upon by the board of education and the exclusive employees'
328 representative organization, or (B) in the absence of such agreement, a
329 written policy of the board of education; or (6) other due and sufficient
330 cause. Nothing in this section or in any other section of the general
331 statutes or of any special act shall preclude a board of education from
332 making an agreement with an exclusive bargaining representative
333 which contains a recall provision. Prior to terminating a contract, the
334 superintendent shall give the teacher concerned a written notice which
335 shall contain a detailed statement of the reasons that termination of
336 such teacher's contract is under consideration. [~~and, upon written~~
337 ~~request filed by such teacher with the superintendent,~~ Within [seven
338 days after receipt of such notice, shall within the next succeeding seven
339 days give such teacher a statement in writing of the reasons therefor.
340 ~~twenty]~~ten days after receipt of said written notice [by the
341 superintendent that contract termination is under consideration,] such
342 teacher may file with the [local or regional board of education a
343 ~~written]~~superintendent a request for a hearing. [A board of education
344 may designate a subcommittee of three or more board members to
345 conduct hearings and submit written findings and recommendations
346 to the board for final disposition in the case of teachers whose
347 contracts are terminated.] Such hearing shall commence within fifteen
348 days after receipt of such request, unless the parties mutually agree to
349 an extension, not to exceed fifteen days. [(A) before the board of
350 education or a subcommittee of the board, (B) if indicated in such
351 request or if designated by the board before an impartial hearing
352 panel, or (C) if the parties mutually agree,] such hearing shall be held
353 before a single impartial hearing officer chosen by the teacher and the
354 superintendent. If the parties are unable to agree upon the choice of a
355 hearing officer within five days after [their decision to use a hearing
356 officer,]the teacher's request [the hearing shall be held before the board
357 or panel, as the case may be. The impartial hearing panel shall consist
358 of three members appointed as follows: The superintendent shall
359 appoint one panel member, the teacher shall appoint one panel
360 member, and those two panel members shall choose a third, who shall
361 serve as chairperson. If the two panel members are unable to agree
362 upon the choice of a third panel member within five days after the
363 decision to use a hearing panel, the third panel member]the hearing
364 officer shall be selected with the assistance of the American Arbitration
365 Association using its expedited selection process and in accordance

366 with its rules for selection of a neutral arbitrator in grievance
367 arbitration. Such hearing shall be held on successive days. [~~If the third~~
368 ~~panel member is not selected with the assistance of such association~~
369 ~~within five days, the hearing shall be held before the board of~~
370 ~~education or a subcommittee of the board.~~] Within [~~seventy-five~~]sixty
371 ~~days after receipt of the request for a hearing, the [impartial] hearing~~
372 ~~[panel,] officer [subcommittee of the board or hearing officer,]~~ unless
373 the parties mutually agree to an extension not to exceed fifteen days,
374 shall [~~submit written findings and a recommendation to the board of~~
375 ~~education as to the disposition of the charges against the teacher and~~
376 ~~shall~~] render a decision, which shall be final and binding regarding
377 termination or other disposition of the charges against the teacher.
378 [~~send a copy of such findings and recommendation to the teacher. The~~
379 ~~board of education shall give the teacher concerned its written decision~~
380 ~~within fifteen days of receipt of the written recommendation of the~~
381 ~~impartial hearing panel, subcommittee or hearing officer.~~] Each party
382 shall pay one half of the fee of the [~~panel member selected by it and~~
383 ~~shall share equally the fee of the third panel member or]~~ hearing
384 officer and all other costs incidental to the hearing. [~~If the hearing is~~
385 ~~before the board of education, the board shall render its decision~~
386 ~~within fifteen days after the close of such hearing and shall send a~~
387 ~~copy of its decision to the teacher.~~] The hearing shall be public if the
388 teacher so requests [~~or the board, subcommittee, hearing officer or~~
389 ~~panel so designates]. The teacher concerned shall have the right to~~
390 appear with counsel at the hearing, whether public or private. [~~A copy~~
391 ~~of a transcript of the proceedings of the hearing shall be furnished by~~
392 ~~the board of education, upon written request by the teacher within~~
393 ~~fifteen days after the board's decision, provided the teacher shall~~
394 ~~assume the cost of any such copy.~~] Nothing herein contained shall
395 deprive a board of education or superintendent of the power to
396 suspend a teacher from duty immediately when serious misconduct is
397 charged without prejudice to the rights of the teacher as otherwise
398 provided in this section.

399 (e) [~~Any teacher aggrieved by the decision of a board of education after~~
400 ~~a hearing as provided in subsection (d) of this section may appeal~~
401 ~~therefrom, within thirty days of such decision, to the Superior Court.~~
402 ~~Such appeal shall be made returnable to said court in the same manner~~
403 ~~as is prescribed for civil actions brought to said court. Any such appeal~~
404 ~~shall be a privileged case to be heard by the court as soon after the~~
405 ~~return day as is practicable. The board of education shall file with the~~

406 court a copy of the complete transcript of the proceedings of the
407 hearing and the minutes of board of education meetings relating to
408 such termination, including the vote of the board on the termination,
409 together with such other documents, or certified copies thereof, as
410 shall constitute the record of the case. The court, upon such appeal,
411 shall review the proceedings of such hearing. The court, upon such
412 appeal and hearing thereon, may affirm or reverse the decision
413 appealed from in accordance with subsection (j) of section 4-183. Costs
414 shall not be allowed against the board of education unless it appears to
415 the court that it acted with gross negligence or in bad faith or with
416 malice in making the decision appealed from. Either party may move
417 to confirm, vacate or modify the decision of the hearing officer
418 pursuant to the provisions of sections 52-417 through 52-423 of the
419 general statutes.

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